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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/700,747	11/20/00	NASLI-BAKIR	B

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LAW OFFICE OF DAVID J SERBIN
1423 POWHATAN STREET
UNIT 2 FIRST FLOOR
ALEXANDRIA VA 22314

EXAMINER

CALCAGNI, J

ART UNIT

PAPER NUMBER

1762

DATE MAILED:

09/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/700,747

Applicant(s)

NASLI-BAKIR ET AL.

Examiner

Jennifer A. Calcagni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities: in line 2, Applicant is requested to change "1:3,5-1:2" to "1:3.5-1:2". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

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later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vesterlund et al. (6,284,090) in view of Andersson (4,175,065).

Applicants claim a method of separate application of resin and hardener components of an amino resin gluing system onto a substrate.

Vesterlund et al., in column 1, lines 13-43 and 57-68, in column 2, lines 23-57, disclose a gluing system based on at least two components, a resin component and a hardener component. Vesterlund et al. teach that the hardener component is based on formaldehyde, organic isocyanates or acids like formic acid. Vesterlund et al. teach that a first fluid component (hardener) is brought to flow in a first stream, and a second fluid component is brought to flow in a second stream, whereby the flow of the second stream is brought to essentially encircle the flow of the first stream. Vesterlund et al. disclose that the method is particularly suited for supplying thermosetting resin gluing systems such as melamine-urea-formaldehyde, urea-formaldehyde, and melamine-formaldehyde. Vesterlund et al. also teach that the coatings may be applied in a stream or in a jet or ray.

Vesterlund et al. do not disclose that the hardener comprises a filler in an amount of less than 20 percent by weight.

Andersson, in column 1, lines 50-68, in column 4, lines 38-66, and in column 5, lines 1-22, teaches a gluing system based on a liquid resin and a liquid hardener similar to the system disclosed by Vesterlund et al. Andersson teaches that the liquid hardener is normally composed of a formaldehyde solution, the consistency of which can be adjusted by use of

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different additives. Andersson discloses that a filler can be mixed into the hardener composition in order to alter the viscosity or to increase the volume, and that suitable fillers include kaolin, coconut shell flour, walnut shell flour, and wood flour. Andersson discloses that the hardener is preferably composed of 0-50 percent by weight of filler.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have mixed a filler into the hardener composition, as taught by Andersson, in the method disclosed by Vesterlund et al., in order to alter the viscosity or to increase the volume of the hardener composition, because Vesterlund et al. and Andersson disclose similar two-component gluing compositions. While Examiner acknowledges that Andersson discloses a formaldehyde hardener component instead of a volatile acid hardener component, Vesterlund et al. teach that the hardener may be based on formaldehyde or a volatile acid. Therefore, it is Examiner's position that the filler in the composition would be expected to perform in the same way in either a formaldehyde or a volatile acid hardener composition.

As to claim 17, Vesterlund et al. disclose that the flow of each or both of the components may be pumped or propelled by gravitational forces, or a combination thereof, and that the stream of fluid component may be a stream, a jet, or a ray. Therefore, it is Examiner's position that Vesterlund et al. suggest applying the resin component in the form of strands and applying the hardener by spraying.

As to claims 18-20, Andersson discloses that the components of the gluing system are separately applied in the form of strands. In column 5, Example 1, Andersson teaches that the later applied strands of the hardener component substantially overlap the correspondingly previously applied strands of the resin component. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to have used a bead coater, as taught by Andersson, in the method disclosed by Vesterlund et al., as a suitable means of applying the two-component gluing system to the substrate because Vesterlund et al. and Andersson disclose similar gluing systems.

As to claims 21 and 22, Examiner acknowledges that neither Vesterlund et al. nor Andersson disclose the layout of the resin and hardener components claimed by Applicants. However, it is Examiner's position that the layout of the components will have an affect on the curing time of the glue system, and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum layout of the resin and hardener components through routine experimentation in the absence of a showing of criticality, including one of the layouts claimed by Applicants.

As to claims 23 and 28, Vesterlund et al. is silent as to the amount of volatile acid present in the hardener composition. It is Examiner's position that the amount of volatile acid in the hardener composition will have an affect on the setting time of the resin component, and will depend on other components present in the hardener composition, the type of volatile acid used in the composition, the type of resin component being used, and the nature of the substrate to which the composition is being applied. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum amount of the volatile acid in the hardener composition through routine experimentation in the absence of a showing of criticality. *In re Aller*, 105 USPQ 233 (CCPA 1955).

As to claim 24, neither Vesterlund et al. nor Andersson specifically teach the weight ratio of hardener to resin. It is Examiner's position that the weight ratio of hardener to resin

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will depend on the type of volatile acid and the type of resin that is used as well as the desired curing time for the composition on the substrate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have determined the optimum weight ratio of harder to resin through routine experimentation in the absence of a showing of criticality.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Calcagni whose telephone number is (703) 305-0595. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00 and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

J. A. Calcagni

jac

September 25, 2001

[Signature]
TIMOTHY MEEKS
PRIMARY EXAMINER